IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.06.2026

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THE HONOURABLE MR.JUSTICE **HEMANT CHANDANGOUDAR**

W.P.No.30288 of 2023

M/s.Fives Call – KCP Ltd.,
"Ramakrishna Buildings"
No.2, Dr.P.V.Cherian Crescent Road
Egmore, Chennai-600 008. ... Petitioner

vs.

1. The Chief Commissioner of Customs
Custom House, 60, Rajaji Salai
Chennai-600 001.

2. The Commissioner of Customs
(Export Commissionerate, Chennai-IV)
Custom House, 60, Rajaji Salai
Chennai-600 001.

3. The Deputy Commissioner of Customs (Chennai-IV)
IGST Refund Cell, Chennai Customs House
60, Rajaji Salai, Chennai-600 001.

4. The Assistant Commissioner, (Chennai-IV)
IGST Refund Cell, Chennai Customs House
60, Rajaji Salai, Chennai-600 001.

5. The GST Officer, Egmore Range
Egmore, Chennai-600 031. … Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of Certiorarified Mandamus, to call for the records relating to the impugned orders issued by the 3rd respondent by E-mail dated 19.09.2019 and order issued by the 2nd respondent dated 09.09.2022 in F.Nos.S.Mis.04/2021-IGST Refunds Ch-IV, and quash the same and consequently, direct the respondents to order for the refund of the IGST amount of Rs.1,15,54,943/- (Rupees One Crore Fifteen Lakhs Fifty Four Thousand Nine Hundred and Forty Three Only) along with interest (after making necessary amendments to the shipping bill) expeditiously.

For Petitioner	:	Mr.K.K.Sekar
For Respondents	:	Ms.S.Lydia Steffi for Mr.Rajnish Pathiyil Senior Panel Counsel

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ORDER

The present writ petition has been filed challenging the proceedings dated 09.09.2022 issued by the third respondent, whereby the petitioner's claim for refund of Integrated Goods and Services Tax (IGST) was rejected on the ground that the petitioner had claimed the higher rate of duty drawback by relying upon Circular No.37/2018 dated 09.10.2018. The relevant portion of the impugned order reads as follows:

"It is seen that the Exporter has suffixed 'A' to the Drawback Scheme Code in the Shipping Bills (Sl. Nos.1 to 14), which indicates that the Exporter intended to avail the higher rate of drawback. In this connection, it is submitted that the IGST refund is processed only through the computerized module with inbuilt validations. If the higher rate of drawback has been availed in any Shipping Bill, the system does not permit processing of the IGST refund.

In view of the above, it is submitted that the exporter is not eligible for IGST refund as the higher rate of drawback has been claimed, in terms of Board's Circular No.37/2018 dated 09.10.2018."

2. Learned counsel for the petitioner submitted that Circular No.37/2018 dated 09.10.2018 has been declared invalid by the Gujarat High Court in ***Amit Cotton Industries v. Principal Commissioner of Customs***, reported in **(2019) 75 GST 33 (Gujarat)**. It was further submitted that the said judgment has been followed by this Court in W.P. No.14847 of 2023 and also by the Division Bench of this Court in ***M/s. Precot Meridian Limited v. Commissioner of Customs and another***, reported in **2020 (1) TMI 90**.

3. The Circular was struck down on the ground that it was inconsistent with the statutory provisions and the Rules governing grant of IGST refund. Therefore, learned counsel submitted that the present writ petition is also

liable to be allowed in terms of the aforesaid decisions.

4. Having considered the submissions and in view of the law laid down in the above decisions, this writ petition deserves to be allowed.

5. Accordingly, the impugned proceedings dated 09.09.2022 are set aside. The third respondent is directed to reconsider the petitioner's claim for refund of IGST afresh, in accordance with law, keeping in view the judgments referred to above and the relevant statutory provisions and Rules, after affording the petitioner a reasonable opportunity of hearing. Such exercise shall be completed within a period of four (4) weeks from the date of receipt of a copy of this order.

6. The writ petition is allowed in the above terms. There shall be no order as to costs.

29.06.2026

Speaking / Non-speaking order
Neutral Citation : Yes / No
Index : Yes / No

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   Egmore, Chennai-600 031.

HEMANT CHANDANGOUDAR, J.,

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